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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/540,163	03/31/2000	Carlos H. Morales	ADAPP137	2702
25920	7590	11/17/2004		
MARTINE & PENILLA, LLP 710 LAKEWAY DRIVE SUITE 170 SUNNYVALE, CA 94085			EXAMINER TRAN, ELLEN C	
			ART UNIT 2134	PAPER NUMBER

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/540,163

Applicant(s)

MORALES, CARLOS H.

Examiner

Ellen C Tran

Art Unit

2134

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 October 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-24.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because: No changes were made to distinguish the claimed invention from the references cited in the rejection. Also no arguments were presented, that would overcome the rejection, see below.

The 1st argument on page 2 "Riley does not disclose or suggest the generating a key pattern", the office disagrees Riley (or '731) teaches a "transaction identifier" in col. 12, lines 36-40 which has the same meaning as a "key pattern" claimed in applicant's invention.

The 2nd argument on the top of page 3, the applicant argues "Riley do not disclose or suggest that the key pattern includes the identity of the initiator and the host", the office disagrees (Riley or '731) teaches a "transaction identifier" which has the same meaning as a "key pattern", in addition as cited in the office action '731 col. 12, lines 17-40 "Each transaction includes the identity of the initiator ... transaction sequence (or "thread") to which it belong (Sequence Number)" indicates the "identity of the initiator and the host".

The 3rd argument on page 3, the applicant argues "Moreover, the Applicant further submits that Riley does not disclose or suggest the examination of the key data pattern to determine communication of integrity ... In contrast, the claimed invention examines the key data pattern to ascertain a level of communication integrity of a physical connection", the office disagree Riley shows an extended command field further qualifies each transaction, as stated in the office actions. In addition Riley describes the steps taken when qualifying the extended field commands in the Summary of the Invention see col. 6, lines 21-39. Riley explains the extended commands establish a behavior for current devices.

The 4th argument on page 4, the applicant argues "the cited portion of Riles does not verify bus performance but merely advocates ... Applicant respectfully submits that this is not bus performance verification", the office disagrees Riley clearly shows monitoring bus performance throughout patent see '731 col. 29, line 65 through col. 30 line 66 which are directed to FIGS. 5 and 6 byte-count write transactions and illustrate the signals as they appear on the bus" this is the same as monitoring bus performance. Applicant is reminded that the references in their entirety teach the claimed invention.

The 5th argument on page 5, "Moreover, Applicant respectfully submits that, at the very least, one skilled in the art would not combine the teachings of Riley and Schwaderer because Riley teaches device configuration and not bus performance verification", the office disagrees because Riley clearly teaches bus performance verification as noted above. The reason to combine Riley and Schwaderer remain because an echo buffer enhances bus performance.

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